

1-1 By: Guillen (Senate Sponsor - Rodriguez) H.B. No. 2679
 1-2 (In the Senate - Received from the House May 9, 2013;
 1-3 May 9, 2013, read first time and referred to Committee on Criminal
 1-4 Justice; May 15, 2013, reported favorably by the following vote:
 1-5 Yeas 6, Nays 0; May 15, 2013, sent to printer.)

1-6 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-7 Whitmire	X			
1-8 Huffman	X			
1-9 Carona			X	
1-10 Hinojosa	X			
1-11 Patrick	X			
1-12 Rodriguez	X			
1-13 Schwertner	X			

1-15 A BILL TO BE ENTITLED
 1-16 AN ACT

1-17 relating to permitting an alternative plea for a defendant detained
 1-18 in jail pending trial for a Class C misdemeanor.

1-19 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-20 SECTION 1. Article 45.023, Code of Criminal Procedure, is
 1-21 amended to read as follows:

1-22 Art. 45.023. DEFENDANT'S PLEA. (a) After the jury is
 1-23 impaneled, or after the defendant has waived trial by jury, the
 1-24 defendant may:

- 1-25 (1) plead guilty or not guilty;
- 1-26 (2) enter a plea of nolo contendere; or
- 1-27 (3) enter the special plea of double jeopardy as

1-28 described by Article 27.05.

1-29 (b) If a defendant is detained in jail before trial, the
 1-30 justice or judge may permit the defendant to enter any of the pleas
 1-31 described by Subsection (a).

1-32 (c) If a defendant who is detained in jail enters a plea of
 1-33 guilty or nolo contendere, the justice or judge may, after
 1-34 complying with Article 15.17 and advising the defendant of the
 1-35 defendant's right to trial by jury, as appropriate:

- 1-36 (1) accept the defendant's plea;
- 1-37 (2) assess a fine, determine costs, and accept payment
 1-38 of the fine and costs;
- 1-39 (3) give the defendant credit for time served;
- 1-40 (4) determine whether the defendant is indigent; or
- 1-41 (5) discharge the defendant.

1-42 (d) Notwithstanding Article 45.037, following a plea of
 1-43 guilty or nolo contendere entered under Subsection (b), a motion
 1-44 for new trial must be made not later than 10 days after the
 1-45 rendition of judgment and sentence, and not afterward. The justice
 1-46 or judge shall grant a motion for new trial made under this
 1-47 subsection.

1-48 SECTION 2. This Act takes effect September 1, 2013.

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